

## **25. Workweek and Work Schedule**

The designated workweek shall be from 8 a.m. on Friday to 7:59 a.m. the following Friday. All employees shall be informed of the designated workweek. All Judicial Branch full-time employees shall account for at least 40 hours of work or authorized leave time per workweek. Any leave hours used shall be deducted from an employee's leave balance.

For nonexempt employees, actual hours worked, as well as authorized leave taken, during each workweek shall be recorded on the employee's time sheet and shall be compensated at straight time. Hours worked in excess of 40 hours will be compensated as provided in rule 25(B).

Management sets each employee's work schedule. The workweek and work schedule of each employee shall be documented by each office.

*Amended 7-9-15; amended 5-1-19.*

### **A. Overtime Compensation Eligibility**

The Administrative Office shall determine, in compliance with Fair Labor Standards Act (FLSA) requirements, the exempt or nonexempt status of all employees for overtime purposes. The status will be indicated on each job classification description.

(1) Exempt--Employees exempt from overtime include those who meet the FLSA definitions of professional, administrative, computer professional, supervisory, or executive.

(2) Nonexempt--All nonexempt employees must be compensated with compensatory time equal to one and one-half times the hours worked above 40 in a workweek, unless approved for overtime pay by the Administrative Office.

*Amended 7-9-15.*

### **B. Non-Exempt Overtime/Compensatory Time/On-Call**

Overtime is considered time in excess of the 40-hour workweek. Leave time (vacation, sick, etc.) shall not be considered as hours worked. Holidays shall be considered as hours worked. Overtime in the Nebraska Judicial Branch shall be held to a minimum, to the extent practicable. A nonexempt employee's schedule should be flexed within the Friday to Friday workweek in order to avoid working over 40 hours. For example, an employee working 2 extra hours on Wednesday may be directed to take 2 hours off on Thursday.

Requests for overtime must have approval from the supervisor prior to the work, unless it is not possible or practical to obtain prior approval, in which case the local manager or his/her designee may approve the overtime in writing as soon as possible subsequent to the time the work was performed.

Nonexempt employees (including part-time employees) working more than 40 hours in one workweek shall receive overtime compensation in the form of compensatory time, granted at one and one-half hours for time worked above 40 hours. Accumulated compensatory time shall be used within 6 months.

In certain situations, Judicial Branch employees may be required to serve on-call after normal business hours off-premise. This is not considered work time if the employee is not engaged in work. Work required to be performed (answering a phone call, responding to an email, reporting to a work site, etc.) during on-call time is considered hours worked and eligible for overtime. For Judicial Branch employees required to be on-call with a workload that prevents flexing of one's schedule (juvenile probation intake or public guardian/conservator statutory responsibilities), overtime compensation may be in the form of overtime pay or compensatory time. The employee must indicate his/her choice of overtime compensation on the timesheet or on a required overtime approval form for the pay period during which the overtime was worked; the first overtime designation made during a pay period applies to the entire pay period. During times of budgetary constraint, overtime pay may be suspended and revert to compensatory time. If this occurs, employees shall be provided a 2-week notice, at a minimum.

It is the responsibility of the supervisor to monitor overtime for an employee. A record of all overtime shall be included on time sheets required by the Administrative Office. Overtime shall be counted in 15-minute increments, with a 7-minute rule applied to rounding. The cutoff point for rounding down is 7 full minutes. If the employee works for 7 full minutes, but less than 8 minutes, time is rounded down. If the employee works at least 8 full minutes, time is rounded up.

Upon proper authorization, an employee may accumulate up to 240 hours of compensatory time, although Judicial Branch management shall require employees to utilize compensatory time well before reaching this threshold, as directed by either the Court Administrator or the Probation Administrator. Compensatory time earned above 240 hours shall be paid.

Payment for accrued compensatory time upon termination of employment or upon the direction of the Administrative Office shall be calculated at the average regular rate of pay for the final 3 years of employment, or the final regular rate received by the employee, whichever is greater.

Any exception to this policy requires a written request from the supervisor to either the Court Administrator or the Probation Administrator.

*Amended 7-16-03; amended 7-9-15; amended 6-20-2018.*

## **C. Travel Time**

Travel time of non-exempt employees required to attend a meeting, conference, seminar, training course, etc., is considered compensable time. A non-exempt employee traveling for one day (not overnight) shall be paid for all travel time. This travel time is counted when computing hours worked for overtime purposes.

*Adopted 7-16-03; amended 7-9-15.*

## **D. Telecommuting**

Telecommuting is a mechanism for facilitating the fulfillment of Judicial Branch organizational goals. Telecommuting allows an employee to work from his or her residence or other approved location outside of the employee's regular Judicial Branch office. Telecommuting shall not be used solely as an accommodation for the employee, or a substitute for using official leave.

Telecommuting may be permitted under the following circumstances: (1) occasional/situational circumstances at the discretion of the supervisor with guidance from the Administrative Office of the Courts and Probation; (2) emergency situations where there is a national, state, or locally declared state of emergency or dangerous weather conditions exist prompting an office closure; (3) on a regularly scheduled basis with guidance and approval from the Administrative Office of the Courts and Probation.

For regularly scheduled telecommuting, or an emergency situation that is expected to last for more than 1 week, the supervisor and the employee shall submit a request to telecommute to the Administrative Office of the Courts and Probation for approval and execute a telecommuting or emergency telecommuting agreement. All telecommuting requests and agreements submitted must be prepared and approved by local management, in collaboration with the employee and with final approval by the Administrative Office of the Courts and Probation.

Telecommuting is not a right for any employee, is not available to all employees or positions, may be time-limited, is reviewed at least annually, and may be withdrawn at any time by the supervisor and/or the Administrative Office of the Courts and Probation. Failure to follow the telecommuting agreement may be grounds for discipline and/or revocation of the agreement. Decisions withdrawing telecommuting agreements or denying requests to telecommute are nongrievable.

*Approved June 24, 2020.*

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